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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/455,664 12/07/99 MELGAARD

K PHB-34-305

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EXAMINER

OCAMPO, M

ART UNIT

PAPER NUMBER

1723

DATE MAILED:

11/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/455,664

Applicant(s)

MELGAARD ET AL.

Examiner

Marianne S. Ocampo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 8-23-01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/455,664 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "the carrier member" in lines 2 - 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2 – 3, 5 - 6 and 10 - 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Trably (GB 2,284,563).

6. With respect to claim 12, Trably discloses a filter for use in a water heating vessel (10) for removing sedimentary material, including scale from water wherein the filter comprises a mesh material (first filter cloth, 14') provided with a frame (19, 19') and a scale collector (in the form of another filter cloth 14) , separate from the mesh material and also coupled to the frame, said scale collector having a surface to which scale is attracted, as in figs, 1 – 3, pages 1 and 4 - 7.

7. Concerning claim 2, Trably also discloses the scale collector (14) being supported by a carrier member (17) mounted on the frame (19, 19'), as in figs. 1 – 2 and pages 6 – 7.

8. Regarding claim 3, Trably discloses the carrier member (13, 17) being detachably mounted on the frame (19), as in pages 5 – 8.

9. With regards to claim 5, Trably discloses the scale collector (14) being removably mounted on the carrier member (17), as in page 8, lines 5 – 6.

10. With respect to claim 6, Trably also discloses the carrier member (17) is situated on a part of the frame (19, 19') away from the mesh material (14'), as in fig. 1.

11. Concerning claim 10, Trably further discloses a water heating vessel (electric kettle, 10) including a filter (13) according to claim 12 (see paragraph 6 above) being removably mounted within the vessel (10) and extending over a water outlet (18) of the vessel (10), as in fig. 1 and pages 4 – 8.

12. Regarding claim 11, Trably discloses the water heating vessel comprising a kettle (10), as in fig. 1 and pages 1 – 3.

13. Claims 2, 4 – 6 and 9 - 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Heiligman (US 5,652,008).

14. With regards to claim 12, Heiligman discloses a filter (10, 20) for use in a water heating vessel (14) for removing sedimentary material, including scale from water wherein the filter comprises a mesh material (47 or 48) provided with a frame (42) and a scale collector (52), separate from the mesh material (47 or 48) and also coupled to the frame (42), said scale collector (52) having a surface to which scale is attracted, as in figs 2 – 3 and cols. 2 - 4.

15. Concerning claim 2, Heiligman also discloses the scale collector (52) being supported by a carrier member (50, 70) mounted on the frame (42), as in figs. 2 – 3 and cols. 3 – 4.

16. Regarding claim 4, Heiligman discloses the carrier member (50, 70) being permanently mounted on the frame (42), as in col. 4, lines 10 - 23.

17. With regards to claim 5, Heiligman discloses the scale collector (52) being removably mounted on the carrier member (42), as in col. 4, lines 23 – 29.

18. With respect to claim 6, Heiligman also discloses the carrier member (50, 70) is situated on a part of the frame (42) away from the mesh material (47 or 48), as in figs. 2 - 3.

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19. Concerning claim 9, Heiligman further discloses the scale collector (52) being coupled to the frame (42) towards an end thereof which is used in a water heating vessel (14) is closest to the bottom of the vessel (14), as in figs. 1 – 3.

20. Regarding claim 10, Heiligman discloses a water vessel or container (14) which is capable of being used as a water heating vessel/kettle including a filter (10, 20) according to claim 12 (see paragraph 14 above) being removably mounted within the vessel (14) and extending over a water outlet (12) of the vessel (14), as in fig. 1.

21. Regarding claim 11, Heiligman discloses the vessel comprising a kettle/jug (14), as in fig. 1.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heiligman.

24. Concerning claim 7, Heiligman also discloses the filter media forming the scale collector (52) may be formed or made of different materials capable of removing scale from the water being treated, as in col. 3, lines 54 – 59. It is considered obvious to one of ordinary skill in the art that any filtering material capable of removing scale/lime, including those in the form of a compacted mesh block, may be used and substituted for the filtering medium disclosed by Heiligman in the filter as an alternative medium as a matter of choice by the user.

Allowable Subject Matter

24. Claim 8 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

25. The following is a statement of reasons for the indication of allowable subject matter: as previously indicated in the last final office action (Paper No. 12) in pages 7 – 8, paragraph 10, none of the prior art has disclosed or rendered obvious a filter comprising all the structural limitations recited in the base claim 12 including those limitations set forth by intervening claim 7 and further the carrier member having a part extending through a bore in the compacted mesh block (forming the scale collector) and the compacted mesh block being rotatable around said part.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

28. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

M.S.O.
October 29, 2001


MATTHEW O. SAVAGE
PRIMARY EXAMINER